

NIH Labor-Management Partnership Council Meeting Minutes

Wednesday, August 21, 2002

Attendees: Howard Hochman, Clyde Bartz, Charles Palmer, Mike Morine, Linda Tarlow, Michael Laven, Tom Fitzpatrick, Tony Clifford, Rita Sweeney, Erwin Dubose, Michael Showers, Wendy Thompson and Barry Kevin.

Facilitator: Fern Kaufman.

Old Business: Minutes of the June 17, 2002 meeting were reviewed and approved.

New Business

A-76 update: Mr. Tom Fitzpatrick, Director, Commercial Activities, Division of Management Support (DMS), OD, briefed the Council. Bringing everyone up to date; the inventory has not been approved by OMB yet. The department has heard back from OMB on its submission, which included the NIH submission, and their questions were minimal. It will not be officially approved until OMB notifies the Department and notification of availability is printed in the Federal Register. A comment was made that DES had received an inquiry that OMB is questioning a function determination. The Head of the Department, the HHS Secretary, has the last word on what is inherently governmental within the department. Once the inventory is approved, it will be posted on the website. The website contains a lot of useful information, and it should be updated in the near future. Communicating about the A-76 process to NIH stakeholders is an area that is being addressed. The Commercial Activities Steering Committee is guiding this process. They have acknowledged a need for a Communications Plan and have established a sub-committee to work on this issue. Mr. Fitzpatrick is spending the majority of his time right now getting his resources situated, and expects to have his RFQ for contract support on the street by Friday, August 23rd. A major requirement of the RFQ SOW is for training, which will help him to implement the NIH communication plan.

Reassignment of employees and training COTA vs. A-76 and retraining vs. transfer of function: Mr. Erwin Dubose, AFGE Representative, (ORS) opened by stating that a recent meeting with Ms. Linda Tarlow, ORS LR representative, answered many of the questions they had related to this issue. One outstanding question is pay. Would employees, who are re-assigned, retain their pay? The answer was yes, but that would not necessary apply to workers who sign a COTA. A brief discussion ensued as to what exactly a COTA is. The Career Opportunities Training Agreement (COTA) is a tool supervisors and managers can use to fill vacant positions and afford developmental opportunities to enhance a diversified workforce. Additionally, it provides opportunities for re-training employees who wish to change careers but who do not meet the Office of Personnel Management qualification requirements. The COTA allows for a time-limited suspension of the qualifications so that the employee may receive intensive developmental assignments to prepare and qualify for the targeted series and grade. Use of the COTA can maximize employees' current knowledge, skills and abilities, by

providing opportunities for career development and growth. Not only can the use of COTA engender high employee morale, it can also be a useful tool to retain and retrain valuable employees, and to fill positions during full time employee (FTE) shortages. Funds are allotted for a COTA and funds are also allotted for re-training associated with an A-76 re-assignment.

Mr. Tony Clifford, in an effort to prevent any confusion, discussed the situation as it applies to DES. When the organization is working to achieve Most Efficient Organization (MEO) status, workers who have their positions eliminated are re-deployed. If the change is due to the function losing an A-76 competition, the organization now has an HR issue where it must re-train and re-assign that worker.

Mr. Fitzpatrick described a concept whereby outsourcing credit could be realized for business re-engineering that we had already planned to pursue. If the organization has a function it does not want to be doing, maybe due to excess vacancies, etc., it can offer that function for competition. The idea is that we should be examining our current and projected business plan, to ensure that we receive appropriate credit towards our OMB competitive sourcing goals. He also discussed the importance of an accurate PWS to both the outcome of the cost comparison and to the success of the NIH mission.

Mr. Laven asked about the situation concerning firefighting personnel. The situation is that Federal firefighters have a somewhat unique retirement system that does not enable them to be reassigned to any other federal position with losing their benefits. Mr. Laven understands that DoD has a placement system for DoD firefighters. He was wondering whether anyone at OPM, NIH or DHHS is exploring some type of priority placement for these workers. Mr. Fitzpatrick mentioned that he was aware of the DoD stopper list system that mandates the hiring of RIF'd DoD employees, but that the stopper list was for DoD only. Mr. Kevin offered to invite Mr. Eddie Ribas, the Director of the HR Program Support Division, to come to next month's meeting to discuss this issue. All agreed that would be acceptable.

Services of the NIH Work/Life Center (WLC): Ms. Wendy Thompson, Manager, NIH Work/Life Center (OD). Handouts were distributed. The WLC has been established to help employees balance the increasing demands of their work and personal interests and responsibilities. The WLC provides guidance and counseling on subject including work/life consultation, career consultation, resource and referral for child care, elder care, legal/financial assistance, and lactation consultation and services. The WLC conducts the "Faces and Phases of Life" seminar series, holds career workshops and customized training. An extensive library of is available for all employees in the Center's office in Bldg 31, as well as a full compliment of online and computer based resources.

A question was asked as to the availability of WLC resources and services to contract workers at NIH. Ms. Thompson explained that all WLC resources and services are available to contractor employees, but that career counseling services have been restricted to two sessions per employee. Members of the council voiced some concern that these services are being provided to contract employees without charge to the contractor, and wondered if this is being factored into the bidding process, especially in the A-76 competition process. Mr. Fitzpatrick referred to some items (i.e. computers) that are considered a "common cost" and are not considered on either side during the bidding process. He said he would look into whether that was the case with these services.

Miscellaneous Issues:

- Mr. Clyde Bartz, FOP, stated that he did not think the planned move of the NIH Labor Relations office to Executive Blvd. was a good idea. He is opposing the move and he is encouraging other council members to take a look at this issue and voice their opposition if they so desire.
- Mr. Bartz also wanted the other council members to benefit from his experience over the last year in dealing with contract security staff. His experience is that it has been very difficult to get the contractor to take appropriate action when personnel are not performing in accordance with their contract. He cited instances where problem personnel have been removed, but have been moved to other buildings if a problem rises to the level of misbehaving or unacceptable conduct. In essence, just moving the problem around to another location on campus.